

Lori A. Van Holmes

December 23, 2002

<p style="text-align: right;">Page 109</p> <p>1 A. I'll --</p> <p>2 MR. GERHAN: Objection. The document 3 speaks for itself.</p> <p>4 BY MR. GOLDBERG:</p> <p>5 Q. You can answer.</p> <p>6 A. Okay. I'll go back to my answer that I said earlier.</p> <p>8 The "Late" question, "How would you 9 talk to someone if they came in late to work?" He 10 wrote -- he said that that would be their last and first 11 notice. That's abrupt and stiff to me.</p> <p>12 "Tell me about somebody that you've 13 developed," and you're giving me an example from many, 14 many years ago.</p> <p>15 In my notes here, it's telling me that 16 you're not doing -- it's not something that you're 17 constantly doing. It's not part of -- it's not a trait 18 that you have. That's -- if that gives you an example.</p> <p>19 Also he -- I also asked him what he 20 still needs to learn, and he said in his own words that he 21 needs to learn to be more patient. He's anxious to get 22 things done. He gets anxious about it.</p> <p>23 Q. In your answer just now, is that focusing on why 24 you believe you took notes on why Bey's personality was 25 stiff?</p>	<p style="text-align: right;">Page 111</p> <p>1 done that, I'll move on.</p> <p>2 A. I do. I feel I have.</p> <p>3 Q. Okay. Was Bey asked to contact the Paisano 4 Partner on his own? Meaning was the ownership put on Bey to 5 contact the Paisano Partner, or did you set up an 6 interview with the Paisano Partner in the area?</p> <p>7 A. I'm not sure. It could have been either way.</p> <p>8 I'm not sure about that.</p> <p>9 Q. Do you know who the Paisano Partner was?</p> <p>10 A. Rich Perelli.</p> <p>11 Q. Did you speak with Rich Perelli in advance of 12 his meeting Bey?</p> <p>13 A. I don't know.</p> <p>14 Q. Did you speak with him subsequent to his meeting 15 with Bey?</p> <p>16 A. Yes.</p> <p>17 Q. Was that right after the meeting?</p> <p>18 A. I don't know.</p> <p>19 Q. How long did you talk to Rich Perelli regarding 20 his meeting with Bey?</p> <p>21 A. I don't know how long I talked to him.</p> <p>22 Q. What do you recall about the conversation?</p> <p>23 A. I recall that he didn't have time to do 24 everything the way we normally do an on-the-job interview, 25 and I recall Rich being a little bit stressed out because</p>
<p style="text-align: right;">Page 110</p> <p>1 I want to make sure that that's what 2 you're answering.</p> <p>3 A. Well, what -- your question was why did I think 4 he was stiff?</p> <p>5 Q. What do you mean by "stiff" when you describe 6 someone's personality as being "stiff"?</p> <p>7 A. I'm trying to think how to describe this.</p> <p>8 You say you've been to Buca's, so you 9 know what we're like. Buca is a very fun -- people go 10 there to have a good time. It's fun and lively.</p> <p>11 For fine dining, people go in there to 12 be -- just have their dining experience and not to be 13 interacting so much with the managers or the staff. It's 14 like you're there, and you want things perfect. You don't 15 want to have to ask for anything.</p> <p>16 At Buca, people are interacting. It's 17 constant talking and going crazy. It's that irreverence 18 that I was talking to you about.</p> <p>19 That's what I mean when I say -- if 20 you're stiff, it seems like you wouldn't be that way at 21 Buca. Does that make sense?</p> <p>22 Q. Actually it doesn't, but I guess if that's the 23 best -- I mean if that's the best explanation -- that's 24 not what the word "stiff" means to me, but you have to 25 answer my questions the best you can. If you feel you've</p>	<p style="text-align: right;">Page 112</p> <p>1 he was busy.</p> <p>2 Q. Mm-hm. Did he tell you how long he met with 3 Bey?</p> <p>4 A. He said -- I'm going from my memory here -- 5 that -- I don't think he -- as I said, he didn't get to do 6 the whole on-the-job process because it was very -- it was 7 busy or not a good time.</p> <p>8 Q. Did he say how long he met with Bey?</p> <p>9 A. No.</p> <p>10 Q. Did he tell you what happened when Bey was 11 there?</p> <p>12 A. Again, it was -- he didn't get to do the 13 interview the way we should do it -- the way that we 14 normally do an on-the-job interview. I believe he said 15 something about having him come back in because he didn't 16 get to complete it.</p> <p>17 Q. I understand that you're saying that certain 18 things did not happen during the interview because he was 19 pressured for time.</p> <p>20 A. Right.</p> <p>21 Q. What I'm asking you to focus on now is what he 22 said did happen. Do you recall anything that Rich Perelli 23 told you about what did happen during his meeting with 24 Bey?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 113</p> <p>1 Q. Nothing at all? 2 A. No. What I remember of the conversation is that 3 he -- he just -- he was telling me all of the things that 4 he couldn't do, and so we needed to kind of make him do it 5 again. 6 Q. Did there ever come a point in time where Rich 7 Perelli discussed with you his impressions of Bey? 8 A. I'm sure there was, but I don't -- I'm not 9 remembering it. 10 Q. Do you recall the substance of that conversation 11 at all? 12 A. No. I just -- I do remember that Rich was a new 13 Paisano, and I was just -- I was feeling his stress that 14 this was maybe something that -- he was new. 15 Q. Do you know whether there was a second meeting 16 between Rich and Bey? 17 A. I think -- I think that there was because he -- 18 the -- to do the Batrus Hollweg personality profile, but I 19 don't know for a fact, Scott. I wouldn't be able to state 20 for a fact that I know that. 21 Q. Okay. Did Rich Perelli make a decision whether 22 to screen Bey out versus having him go to the next step in 23 the recruiting process for Paisano Partners? 24 A. I don't think Rich Perelli could make a decision 25 because he never got to do the interview the way it should</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. Do you recall anything else regarding any 2 conversations you had with Bey or impressions you formed 3 about him? 4 A. I remember asking Bey if he had gotten his 5 paperwork yet, and he said he had not, and I said, "Oh, 6 let me make sure you get that." 7 I'm not sure why he didn't get it, you 8 know, so I called the home office to say, "Hey, please get 9 this information out." 10 Q. How did you send it to him? 11 A. I didn't send it. 12 Q. How did Buca send it; do you know? 13 A. I don't know. Typically we send it via regular 14 mail. Then if there's a problem -- if they didn't get 15 their packet, maybe it didn't go to the right address or 16 whatnot, sometimes we will Fed Ex it out. It depends on 17 what's happening and what happened. 18 Q. In Bey's case, do you recall whether there was 19 any urgency? 20 A. If I talk to someone when I call them back and 21 they haven't received the paperwork, then I feel that, you 22 know, "Hey, we need to make sure they get their 23 paperwork." 24 We may have had it Fed Exed just 25 because I want to make sure that we're looking</p>
<p style="text-align: right;">Page 114</p> <p>1 have been done. 2 Q. If I'm recalling correctly -- when you were 3 describing the process for Paisano Partners -- 4 A. Right. 5 Q. -- or the recruiting process, I should say -- 6 after meeting with the Paisano Partner, a decision has to 7 be made whether to go to next step in the recruiting 8 process or, alternatively, to screen out the candidate? 9 A. Or -- I said the other alternative is if they're 10 not sure, they would still go on to meet with the DVP. 11 Q. And what happened in Bey's case after meeting 12 with Rich Perelli? 13 A. I believe that Rich wasn't able to really make a 14 definitive answer because he didn't really do the 15 interview the way you're supposed to it, and so because of 16 that, we said, "Well, we better have him meet with the 17 DVP." 18 Q. Before we discuss the meeting with the DVP, I 19 want to make sure that you have described for me all of 20 the conversations you had with Bey up to that point; have 21 you? 22 A. I don't know, Scott, because in between 23 interviewing and you're checking to see about the 24 paperwork, you might talk to someone a couple of times on 25 the phone. I don't know that off the top of my head.</p>	<p style="text-align: right;">Page 116</p> <p>1 professional. 2 Q. Prior to meeting with Rich -- I'm sorry. 3 Withdrawn. 4 Prior to meeting with the DVP, did you 5 receive the results of Bey's personality profile? 6 A. Did I? I don't know. And which DVP? 7 MR. GOLDBERG: Well, Ms. Reidt, I 8 think I'm going to ask you to take out two exhibits, 9 please, for the witness. 10 THE REPORTER: Okay. 11 MR. GOLDBERG: "P-17" and "P-18." 12 (Whereupon, a 3-page Batrus Hollweg 13 Information Sheet was marked Exhibit-P-17 for 14 identification.) 15 (Whereupon, a 2-page Management 16 Selection Profile was marked Exhibit-P-18 for 17 identification.) 18 THE REPORTER: Okay. I'm handing them 19 to the witness. 20 MR. GOLDBERG: I'm sorry? 21 THE REPORTER: I'm handing them to the 22 witness. 23 MR. GOLDBERG: Do you see what they 24 are, Dan? 25 MR. GERHAN: Yes.</p>

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<p style="text-align: right;">Page 121</p> <p>1 I don't know. Again, it could have 2 been faxed either to me or to Lucy. I don't know. 3 Q. On the same line, it says "Page 2/3"? 4 A. (Witness peruses document.) 5 Right. 6 Q. And the second page of P-18 says "3/3," right? 7 A. (Witness peruses document.) 8 The second? Yeah. 9 Q. To the best that you can determine, does that 10 mean that these two pages were part of a 3-page fax? 11 A. This is how every report would come up. I would 12 say that there's probably a cover page to it, if there's 13 three pages. 14 Q. There's a cover page -- well -- 15 A. Well, a cover page that is not here. 16 Q. Do you know where the cover page is? 17 A. I have no idea. 18 Q. If Buca still had a copy of that, do you know 19 where it would be? 20 A. I would -- no. I would think it would be in 21 Bey's file, but I don't -- most people don't save cover 22 pages, but I don't know. 23 Q. During this litigation at any time did you look 24 for the cover page to this document -- fax? 25 A. Did I? No.</p>	<p style="text-align: right;">Page 123</p> <p>1 wasn't there. 2 Of course we -- you know, I talked to 3 Bey after that and apologized, and then -- I do believe 4 they met, but I'm not sure. They may have met on the 5 phone or in person. I'm not sure. 6 Q. Was J.T. the person who would have been the 7 divisional vice president for the Allentown or the Ohio 8 location? 9 A. No, he was the West Coast divisional vice 10 president. He was the divisional vice president for 11 Arizona and California. 12 Remember when I described earlier that 13 sometimes you might meet with more than one DVP if you're 14 out of the market? 15 Q. So this was one of those situations? 16 A. Correct. 17 Q. Did Bey ever meet with any divisional vice 18 president, to your knowledge? 19 A. Well, I'm not sure if he met with Joe Talarico, 20 but I know he met with Jim Cowler. 21 Q. Okay. Did you speak with Joe (sic) Cowler about 22 his meeting with Bey? 23 A. It's Jim Cowler. 24 Q. Jim Cowler. Excuse me. 25 A. Yes, I did.</p>
<p style="text-align: right;">Page 122</p> <p>1 Q. To your knowledge, did anyone? 2 A. I don't know. 3 MR. GOLDBERG: Can I ask you, Dan? 4 MR. GERHAN: I'm sure, Scott, that we 5 produced every document that was in the file. If there 6 was a cover page attached to that document, it would have 7 been produced. 8 MR. GOLDBERG: Okay. I just want to 9 make sure. I don't want to be in a situation where it 10 shows up later is all. 11 MR. GERHAN: Yeah. 12 MR. GOLDBERG: So I just want to -- 13 MR. GERHAN: If there is a cover page 14 and it still exists, I'll get you a copy of it. 15 MR. GOLDBERG: Thank you. 16 BY MR. GOLDBERG: 17 Q. After meeting with Rich Perelli, who told Bey 18 what the next step in the process was? 19 A. I think it was myself talking about meeting with 20 Joe Talarico, who was the West Coast -- who was then the 21 West Coast divisional vice president. 22 Q. Did that meeting ever take place? 23 A. I do remember they were going to meet, and then 24 J.T. had had a change in schedule and neglected to tell 25 me, and I think Bey showed up for the interview and J.T.</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. When was that in relation to the meeting he had 2 with Bey? 3 A. It was after he met with Bey. 4 Q. Shortly after? Can you approximate how long 5 after? 6 A. I can't approximate. I don't know how long 7 after it was. I do remember that I picked up a message on 8 voicemail, and it was near the weekend time because I was 9 on my way to go camping. I do remember that. 10 Q. Was it before or after this lawsuit was filed? 11 A. Oh, it was definitely before. It was right 12 after the -- he was -- it was -- because I talked to 13 Jim -- after the weekend I called Bey. 14 Q. And did you speak to Mr. Cowler before he called 15 Bey? 16 A. Yeah, I did. 17 Q. How long did you speak with him? 18 A. Well, I had the voicemail, and I remember it 19 very clearly because he was very adamant about saying that 20 Bey was not a fit for him and not a fit for Buca di Beppo. 21 He was -- it was a voicemail that came through loud and 22 clear. 23 I just wanted to touch base with him 24 before I called Bey back to tell Bey that we were 25 concluding the interview process.</p>

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<p style="text-align: right;">Page 125</p> <p>1 Q. Did you delete that voicemail? 2 A. Yeah. You -- 3 Q. Can you please tell me everything you recall 4 about the voicemail aside from what you've already 5 described? 6 A. I just remember him going down a list, like what 7 I just described, and it was an emphatic voice saying that 8 he -- again, he's like, "I don't think he's a fit for 9 Buca. I don't think he's a fit for me." You know, He was 10 just really adamant about it. 11 He said, "You know, this guy was" -- I 12 think he said something like "This guy wants to be" -- you 13 know, "He doesn't want to be a Paisano Partner. He 14 wants -- He wants -- He's already talking divisional vice 15 president," or something along those lines. 16 Q. After receiving that voicemail, did you talk 17 with Jim Cowler about it? 18 A. I think I did. I think I talked -- because that 19 was -- like I said, I was on my way -- it was the weekend. 20 I was on my way -- because I was in the ferry line. 21 I think I touched base with him right 22 before I called Bey just because I wanted to make -- you 23 know, I got it loud and clear that he -- that Bey wasn't a 24 fit, but, you know, what -- I just wanted to touch base 25 with him.</p>	<p style="text-align: right;">Page 127</p> <p>1 Q. Yes, at any time. 2 A. Well, I think you were there when Jim -- we were 3 all there at the mediation. We all talked then. 4 MR. GERHAN: She's talking about 5 the -- she's talking about the fact finding conference, 6 Scott, when, I think, Mike was there. 7 THE WITNESS: Oh, that wasn't you? 8 MR. GOLDBERG: I'm a different guy. 9 THE WITNESS: Oh, okay. Sorry. 10 Sorry, Scott. I thought you were the same person. I 11 apologize. 12 MR. GOLDBERG: That's okay. 13 BY MR. GOLDBERG: 14 Q. Aside from that, have you ever spoken with Jim 15 Cowler about Bey? 16 A. I don't think so. You know, but I -- the thing 17 is -- once this came up, and you're looking for -- you 18 know, you're looking for the file and all that -- I don't 19 know. I may have talked to him, but I couldn't say "Yes, 20 I have," or "No, I haven't." 21 Q. Mm-hm. Did it ever occur to you that after 22 receiving Jim Cowler's message that it would be a good 23 idea to check how Bey did on the personality profile? 24 A. Not really. 25 Q. In the past, have you relied on the personality</p>
<p style="text-align: right;">Page 126</p> <p>1 Q. Mm-hm. 2 A. I usually do that with the DVPs, so -- 3 Q. Do you recall ever telling Jim Cowler that Bey 4 had a personality profile and the results were that he 5 scored excellent on "Acceptance of Authority"? 6 A. I don't recall telling him that. 7 Q. Do you recall telling him that Bey scored 8 excellent on "People Relations"? 9 A. No, I don't remember discussing the personality 10 profile with Jim. 11 Q. Did you ever have any other conversations with 12 Jim Cowler regarding Bey? 13 A. Well, prior to him setting up the interview, I 14 called Jim to say "Where are you going to be? Are you 15 going to be" -- you know, "Where are you going to be in 16 the next few weeks? I have some people I want you to 17 interview," and then he would give me his schedule. 18 Q. Are there any other conversations you recall 19 with Jim Cowler regarding Bey? 20 A. Just setting up the interview and faxing up the 21 resume. 22 Q. And nothing since then? 23 A. Since then? 24 Q. Yes. 25 A. You mean after we turned Bey down?</p>	<p style="text-align: right;">Page 128</p> <p>1 profiles from Batrus Hollweg for other applicants? 2 A. We don't rely on the Batrus Hollweg. It's a 3 piece of the tools that we use to determine if someone is 4 going to be a good fit or not. It's a piece of -- it's a 5 piece of the tools that we use. 6 If a DVP has made a decision that they 7 don't want someone, there's no going back and saying, 8 "Well, Jim, what about this and this" because Jim could 9 have said, "Well, he didn't do very good on his mental 10 scores." You know, that's a deterrent -- or his drive, 11 energy, and stamina, which is something that we really 12 look for at Buca because it's high energy. 13 You don't go back and say to 14 somebody -- to a DVP who's interviewing people, "Oh, what 15 about this? What do you think about this?" They're 16 making their decision based on if they think that this 17 person -- if this is someone they want to let drive one of 18 their profit centers. 19 If they don't think it's a fit, then 20 they are the final decision. They are the person who 21 makes the decision on that. 22 Q. To your knowledge, did Jim Cowler consult with 23 anybody including yourself regarding his decision not to 24 hire Bey? 25 A. I don't know. He doesn't -- he doesn't</p>

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<p style="text-align: right;">Page 129</p> <p>1 consult -- usually consult with the recruiter. He makes 2 his own decisions. 3 Q. In Bey's case, did he? 4 A. Did he talk to me? 5 Q. Yes. 6 A. I don't recall. I don't think so. 7 Q. After receiving Jim Cowler's message, you called 8 Bey to inform him that he would not be hired as a Paisano 9 Partner, right? 10 A. Right. 11 Q. Tell me what you remember about that 12 conversation. 13 A. I remember telling Bey that, you know, 14 unfortunately we weren't going to continue the interview 15 process with him. I apologized. I usually do just 16 because it's a tough scenario for somebody. 17 I remember Bey getting very angry at 18 me and yelling at me for several minutes. He was very 19 angry just saying, you know, "This is" -- He didn't 20 understand why and he was just really upset. 21 Then he said, "Well, are you going to 22 pay for my plane ticket?" And I said "What plane ticket?" 23 He said, "I flew myself to Pittsburgh." And I said, 24 "Gosh, Bey, I didn't know that you were flying yourself to 25 Pittsburgh." When we talked before, I said, "Here is</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. Did he use any curse words? 2 A. Not to the -- not that I recall. 3 Q. Did he insult you personally? 4 A. I felt like he thought I was an idiot. I mean 5 he definitely had a tone of voice and insinuating -- 6 Q. Did you think there was any merit at all to 7 Bey's complaint of that conversation? 8 A. Not really. I mean the thing is, people go on 9 interviews. We interview people all -- you know, that's 10 the -- that's how it works. Some people we hire and some 11 people we don't. 12 I honestly, Scott, can say that in all 13 my years of doing recruiting, I've never really had anyone 14 yell at me like that. I was very taken aback. 15 Q. What exactly do you recall saying during the 16 conversation? I know you told me what Bey said. 17 A. As I said the first time you asked it, I said 18 I -- because it's uncomfortable, I usually say, you know, 19 "I want to let you know that we're not going to continue 20 the interview process," you know, "I apologize," or 21 something along those lines. 22 I always say "I apologize" just 23 because it's an uncomfortable situation. You know, "Gosh, 24 we've spent some time together now, and unfortunately, 25 you're not the person for the position."</p>
<p style="text-align: right;">Page 130</p> <p>1 where Jim is going to be. He's going to be in this X, Y, 2 Z place this day, and X, Y, Z place that day," and he 3 said, "Oh, Pittsburgh. Great. I'm in the area. I'll go 4 meet him in Pittsburgh." I'm like "Great." 5 If somebody wants -- if we fly someone 6 to go interview with the DVP, I make the travel 7 arrangements because it is on our credit card bill, and we 8 totally take care of everything. I was a little bit 9 dumbfounded because he led me to believe in our 10 conversations that he was in the area. 11 He kept yelling, and he was really 12 upset. I go "Gosh, I apologize." You know, "I will take 13 care of that plane ticket." But again, typically, if I'm 14 going to make the arrangements, I do it myself. I've 15 never had anyone -- I've never had this happen before. 16 I said "I'm going to take care of 17 that," and, you know, I let him yell at me for a while 18 because I thought, "Oh, he just wants to vent and get it 19 out." 20 I just -- that's what I remember about 21 the conversation. It was -- it wasn't fun. 22 Q. When you say Bey yelled at you -- 23 A. I would definitely say he yelled at me. 24 Q. -- did he raise the volume of his voice? 25 A. He raised the volume of his voice.</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Do you recall anything else about that 2 conversation with Bey that you haven't told me already? 3 A. Besides the yelling and the plane and all that? 4 Q. Aside from what you've already told me, what do 5 you recall about your conversation with Bey when you told 6 him -- 7 A. I recall telling him to please fax over his 8 receipt so I could take care of the reimbursement for him 9 including the cab fare because he was going on about the 10 cab fare too. 11 Q. Mm-hm. Following that conversation, have you 12 ever spoken with Bey? 13 A. I don't think I've spoken with him, but I 14 received some information about his moving expenses and a 15 letter to Joe Micatrotto that he wrote. 16 Q. Is it your understanding that Bey moved to 17 Pennsylvania from Arizona during his recruiting process? 18 A. Well, at some point during the recruiting 19 process during one of our phone conversations, he said, 20 "I've moved to Philadelphia." I go, "Oh, my gosh. I 21 didn't know that. Good for you. Congratulations, you 22 moved to Philadelphia," so, you know, "Where" -- "What" -- 23 "That's great that you've moved. Now you can meet with 24 Jim. It will be easy to meet with Jim. He's in the East 25 Coast. He's the East Coast DVP."</p>

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<p style="text-align: right;">Page 133</p> <p>1 The last time we talked, he was in 2 Arizona, so things were on hold. Jim didn't have an 3 immediate need. Anyway, I just recall being very 4 surprised when he had told me that he had moved to 5 Philadelphia. I was very surprised. 6 Q. Do you recall specifically telling him, "Oh, my 7 gosh. I didn't know you moved." 8 A. I recall saying something like that, like "Oh, 9 wow. I didn't know that." 10 Q. Do you recall what his response was? 11 A. It was nothing. It was like, "Yeah," like he 12 moved. 13 Going back to the stiff -- Bey was 14 pretty stiff. He wasn't a person to kind of gush about 15 things. 16 Q. Did you at the time have any understanding as to 17 why he moved to Pennsylvania? 18 A. I don't have any understanding. I thought he 19 maybe mentioned something about family, but I wouldn't be 20 able to -- I don't remember for sure. 21 One thing, Scott, when we're 22 interviewing people and they're looking for a place to 23 live, we -- Buca opens restaurants up, so when people say, 24 "I'm willing to go anywhere," I always say, "You need to 25 narrow it down. I can't just have you go interview when</p>	<p style="text-align: right;">Page 135</p> <p>1 ask you to please show the witness a document that's been 2 marked as "P-10." 3 (Whereupon, a 1-page Buca di Beppo 4 advertisement in Nation's Restaurant News was marked 5 Exhibit-P-10 for identification.) 6 THE REPORTER: Okay. 7 MR. GOLDBERG: Do you have that 8 document in front of you, Ms. Van Holmes? 9 THE WITNESS: Yes, I do. 10 MR. GOLDBERG: Dan, do you see that? 11 MR. GERHAN: Yes. 12 BY MR. GOLDBERG: 13 Q. What is that document? 14 A. (Witness peruses document.) 15 This looks like an ad out of "Nation's 16 Restaurant News." 17 Q. Is it an ad for a Paisano Partner position at 18 Buca? 19 A. (Witness peruses document.) 20 It's a general ad for management 21 positions. I don't see anywhere on here -- well, it says 22 that we have a Paisano Partner program, but this isn't 23 specifically geared toward the Paisano or a certain 24 location. It just says where we have locations -- "Now 25 hiring in these areas..."</p>
<p style="text-align: right;">Page 134</p> <p>1 we have several different DVPs. You need to narrow it 2 down to where you might want to live." 3 (Witness peruses document.) 4 If you look on P-13 -- back to P-13 -- 5 those were a couple of the spots that he said he might 6 want to -- be interested in living. 7 Then when they tell me that -- I say, 8 "There should be a compelling reason to why you might want 9 to live there because if you just go move across the 10 country for a job, it doesn't always -- you're not always 11 happy. If you move somewhere and you don't have a 12 compelling reason to do that, you're not always happy, and 13 people tend to quit." 14 Q. Are you saying that you recall telling all of 15 this to Bey? 16 A. I definitely recall saying, "You need to narrow 17 it down, where you want to live," absolutely, because we 18 didn't have a spot in Arizona, and he was living in 19 Arizona. I have to know that, otherwise I don't know 20 which DVP to have him talk to. 21 Also do we even have an opening? 22 What's the -- you know, we can't -- we're just not just 23 interviewing -- you know, I don't know what the person 24 wants to do. 25 MR. GOLDBERG: Ms. Reidt, I'm going to</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. Mm-hm. Is this an advertisement that Buca 2 placed in the "Nation's Restaurant News" on May 22, 2000? 3 A. (Witness peruses document.) 4 It appears to be. 5 Q. Is you're understanding that this is the ad that 6 Bey sent his resume in response to? 7 A. That's my understanding. 8 Q. Having reviewed this, do you now have the basis 9 for believing that Buca had openings for Paisano Partner 10 positions at the time that Bey applied? 11 A. Did they have openings? 12 Q. Yes. 13 A. I never said they didn't have openings. 14 Q. I'm not saying you did. 15 A. Okay. 16 Q. I'm asking if you -- I think you didn't say 17 either way. I'm now asking if you have a basis for 18 believing they did. 19 A. I'll go back to saying that we -- in opening 20 restaurants, we have different positions open at different 21 times, and we do place ads in "Nation's Restaurant News." 22 I couldn't tell you based on looking 23 at this ad where specifically we had openings, whether it 24 was a Paisano, an AKM, or KM or AGM. By looking at this 25 ad, I cannot tell you that.</p>

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December 23, 2002

<p style="text-align: right;">Page 137</p> <p>1 Q. By looking at this ad, you can tell that there 2 was no location in Arizona they list that Buca was 3 hiring, right? 4 A. (Witness peruses document.) 5 Well, I see Phoenix on here. 6 Q. Do you know what that position was for? 7 A. No. As I said, it could be -- a lot of times 8 we'll just be advertising in "Nation's Restaurant News" to 9 generate some resume flow for different positions in 10 different markets. 11 This isn't a specific ad. If we were 12 specifically going after somebody in a specific market, we 13 would typically place an ad in that newspaper. 14 Q. Mm-hm. 15 A. So seeing Phoenix on here and getting his resume 16 initially, we could have thought, "Oh, does he want to 17 work in Phoenix?" We don't know -- you know, you don't 18 know until you talk to the person. 19 Q. Do you recall asking Bey if he wanted to work in 20 Phoenix? 21 A. I don't recall asking, but I do recall that 22 we -- because we didn't have a spot in Phoenix, that's why 23 we've got -- why I wrote down on P-13 that he was 24 interested in some different locations if they became 25 available.</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. Who at Buca have you spoken with regarding Bey's 2 application process other than Jim Cowler, Lucy Lea, John 3 (sic) Perelli and John Motchenbacher? 4 A. Well, it's -- 5 MR. GERHAN: Rich Perelli you mean. 6 THE WITNESS: It's Rich Perelli. 7 Are you talking about after the 8 interview process or during the interview process? 9 BY MR. GOLDBERG: 10 Q. I'm talking about ever. 11 A. Ever? Well, during the interview process I 12 talked to Joe Talarico, which we've already talked about. 13 Q. Mm-hm. 14 A. Jim Cowler, the divisional vice president, Bey 15 himself. After -- well, once we got -- once -- 16 afterwards, Dan got involved when we went to the fact 17 finding. 18 Q. You're referring to Dan Gerhan now? 19 A. Yeah. That was -- the first time I met Dan was 20 at the fact finding. 21 Q. Okay. Anyone else? 22 A. Probably my boss, Jennifer. Most recently -- my 23 current boss because I told him I wasn't going to be in my 24 office today because I'll be at a deposition. 25 Q. Anyone else?</p>
<p style="text-align: right;">Page 138</p> <p>1 Q. You're the person who told Bey about the 2 openings in Pennsylvania and Ohio, right? 3 A. I don't know. He might have brought it up to 4 me. Lucy might have mentioned something. 5 Q. Is it your contention that Bey found out about 6 the openings in Pennsylvania and Ohio independently of the 7 recruiting process? 8 A. I don't know. I mean there's ways to find out 9 if we've signed a deal, real estate wise. You know, we 10 have people contact us for locations two years in advance, 11 and we say, "We're not hiring yet, you know, because we're 12 in the negotiation process for real estate." 13 Q. Mm-hm. Do you know who John Motchenbacher is? 14 A. Yep. He's our vice president of finance. 15 Q. Have you ever spoken to him about Bey? 16 A. He may have called me and said, "Do you have any 17 files or anything?" Other than that, no. Maybe when the 18 fax came over -- I mean anything to do with him would have 19 been after the whole interview process when people started 20 asking for information. 21 Q. Did you have conversations with him about what 22 happened aside from him asking you to send documents to 23 review? 24 A. I don't know. I don't know. I don't know if it 25 was John or Dan. I don't know.</p>	<p style="text-align: right;">Page 140</p> <p>1 A. I think that's it. Well, maybe John's boss -- 2 John Motchenbacher's boss, Greg Gadle. 3 Well, Joe Micatrotto because when that 4 fax came -- well, Bey wrote Joe Micatrotto the letter 5 about his moving and whatnot, and then Joe Micatrotto 6 called me about that. 7 Q. Okay. Do you recall anything you said to John 8 Motchenbacher's boss or anything that he said to you 9 during your conversation about Bey? 10 A. No. It was just basically John -- John's boss, 11 Greg, said that I had to go to the fact finding in 12 Philadelphia; that was it. 13 Q. Do you recall anything that was said during your 14 conversation with Jennifer regarding Bey? 15 A. No. 16 Q. How about with your current boss? 17 A. Nope, just what I said. I had to be at a 18 deposition, so I wouldn't be in my office today. 19 Q. Joe Talarico? 20 A. Nope, not since the interview process. 21 Q. When is the first time you received any 22 information at all pertaining to Bey's age? 23 MR. GERHAN: Objection; assumes facts 24 not in evidence. 25 You can answer.</p>

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<p style="text-align: right;">Page 141</p> <p>1 BY MR. GOLDBERG:</p> <p>2 Q. Ms. Van Holmes, you know that Bey Dilemani has 3 filed an age discrimination suit, right?</p> <p>4 A. I do know that.</p> <p>5 You know what? That is the first time 6 I found out his age. When I went to that fact finding 7 mission -- or meeting in Philadelphia, that was the first 8 time I knew about his age.</p> <p>9 Q. Do you know, from your training, that a person 10 needs to be at least 40 years old to bring a lawsuit under 11 federal age discrimination laws?</p> <p>12 A. I don't think -- I don't know if I could tell 13 you verbatim every nuance of the law, so I would say -- if 14 you asked if I knew that when this all got started, I 15 would say that I probably didn't know that, but that 16 doesn't come into play for me.</p> <p>17 I'm just talking to people on the 18 phone and ascertaining their skills and then push them on 19 to the next interview -- put them on the next interview.</p> <p>20 Q. Please tell me each piece of information you've 21 ever received pertaining to Bey's age.</p> <p>22 A. To his age?</p> <p>23 MR. GERHAN: Objection; asked and 24 answered.</p> <p>25 MR. GOLDBERG: It wasn't answered.</p>	<p style="text-align: right;">Page 143</p> <p>1 Q. Do you have it?</p> <p>2 A. Yes, I do.</p> <p>3 Q. P-14 is a 3-page document beginning with big 4 stamp No. "D 01 02 03" and continuing through 5 "D 01 02 05," right?</p> <p>6 A. (Witness peruses document.)</p> <p>7 Except that this isn't one document. 8 These are two separate documents. The "03, 04" is a 9 back -- a back-to-back document. That's one page on its 10 own, and the other one is a page on its own.</p> <p>11 Q. Okay. What is P-14?</p> <p>12 A. Pardon?</p> <p>13 Q. My question is -- what is exhibit P-14?</p> <p>14 A. (Witness peruses document.)</p> <p>15 Well, P-14 is two different documents, 16 "D 01 02 03" and "D 01 02 04" is the application in two 17 pages. Why? I don't know. It's usually -- well, 18 probably because it was faxed. It's a back-to-back 19 document, which is called the "Job application."</p> <p>20 Q. Okay.</p> <p>21 A. "D 01 02 05" is a disclosure statement that the 22 people who do our background information receive. 23 Nobody else gets that except the 24 person who receives it, and they fax it to the background 25 check people.</p>
<p style="text-align: right;">Page 142</p> <p>1 MR. GERHAN: It was answered.</p> <p>2 THE WITNESS: I didn't get anything on 3 Bey's age until we went on the fact finding in 4 Philadelphia.</p> <p>5 BY MR. GOLDBERG:</p> <p>6 Q. Did you receive Bey's employment application?</p> <p>7 A. No, that goes to the home office.</p> <p>8 Q. You've never seen it?</p> <p>9 A. Well, I've seen it since we went to the fact finding.</p> <p>10 Q. Mm-hm.</p> <p>11 A. But before that, no.</p> <p>12 Q. Does that have any information pertaining to 13 Bey's age on his employment application?</p> <p>14 A. I would have to look at it to tell you that.</p> <p>15 Q. Okay. Let's do that.</p> <p>16 A. Okay.</p> <p>17 Q. I'm finding which exhibit it is.</p> <p>18 MR. GOLDBERG: Let's take a look at 19 "P-14," please, Ms. Reidt.</p> <p>20 THE REPORTER: Okay. (Whereupon, a 3-page Buca di Beppo 21 Application for Employment was marked Exhibit-P-14 for identification.)</p> <p>22 BY MR. GOLDBERG:</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Mm-hm.</p> <p>2 A. So they're two separate documents.</p> <p>3 Q. They were received by Buca at the same time, 4 right?</p> <p>5 A. I don't know. This wouldn't have gone to me.</p> <p>6 Q. Please take a look at the very bottom of these 7 documents. There is a faxed line, right?</p> <p>8 A. (Witness peruses document.)</p> <p>9 Yes.</p> <p>10 Q. The first page says "Page 3," and it's from July 11 13, 19:16 a.m., right?</p> <p>12 A. (Witness peruses document.)</p> <p>13 Uh-huh. (Witness answers affirmatively.)</p> <p>14 Q. And the next page is Page 4. It says "July 13, 15 9:16 a.m.," right?</p> <p>16 A. (Witness peruses document.)</p> <p>17 Uh-huh. (Witness answers affirmatively.)</p> <p>18 Q. And the final page is "Page 2, July 13, 9:15 19 a.m.," right?</p> <p>20 A. (Witness peruses document.)</p> <p>21 Yep.</p> <p>22 Q. Having reviewed that, do you have any opinion as 23 to whether the three pages comprised in P-14 were received</p>

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<p style="text-align: right;">Page 145</p> <p>1 at the same time by Buca?</p> <p>2 MR. GERHAN: Objection. The document 3 speaks for itself.</p> <p>4 You may answer.</p> <p>5 THE WITNESS: (Witness peruses 6 document.)</p> <p>7 It looks like they were received -- 8 not at the same exact time, but a minute -- it looks like 9 a minute difference.</p> <p>10 BY MR. GOLDBERG:</p> <p>11 Q. Okay. When was the first time you had seen any 12 portion of P-14?</p> <p>13 A. At the fact --</p> <p>14 MR. GERHAN: Objection; asked and 15 answered.</p> <p>16 You may answer.</p> <p>17 THE WITNESS: At the fact finding in 18 Philadelphia.</p> <p>19 BY MR. GOLDBERG:</p> <p>20 Q. Let's take a look back at P-13. Do you have 21 that in front of you?</p> <p>22 A. Yep. Yes, I do.</p> <p>23 Q. I changed my mind. I'm not going to ask you 24 questions about it. I'm sorry.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 147</p> <p>1 that comprise P-14, have you ever received any information 2 pertaining to Bey's age?</p> <p>3 A. I have never received any information pertaining 4 to Bey's age ever until -- I never received this 5 information. I saw it at the fact finding in 6 Philadelphia.</p> <p>7 MR. GOLDBERG: Before I go into a new 8 line of questioning, does anybody need a break?</p> <p>9 MR. GERHAN: I could use a short one, 10 Scott. Do you have any idea how much longer you're going 11 to go? I mean we've covered a lot of the substance here I 12 would think.</p> <p>13 MR. GOLDBERG: Yeah. Off the record I 14 can tell you my estimate, but it's impossible to know 15 before it's done.</p> <p>16 MR. GERHAN: Okay. Then why don't we 17 go off the record and you can tell me. (Pause in the proceedings.)</p> <p>18 MR. GOLDBERG: I'm going to ask right 19 to ask Ms. Reidt to please show the witness the document 20 marked as "P-15."</p> <p>21 (Whereupon, a 1-page letter to Mr. 22 Dilemani from Ms. Lori Van Holmes was marked Exhibit-P-15 23 for identification.)</p> <p>24 THE REPORTER: Okay</p>
<p style="text-align: right;">Page 146</p> <p>1 Q. Aside from the "Application for Employment" and 2 the "Disclosure and Release Statement" that are comprised 3 in P-14, have you ever received any information pertaining 4 to Bey's age?</p> <p>5 MR. GERHAN: Objection. I object to 6 the form of the question. I think it assumes facts not in 7 evidence, Scott.</p> <p>8 MR. GOLDBERG: What fact could that 9 be?</p> <p>10 MR. GERHAN: Well, I don't think 11 you've established that there's anything on P-13 that 12 refers to his age.</p> <p>13 MR. GOLDBERG: I was talking about 14 P-14.</p> <p>15 MR. GERHAN: Oh, but you said -- I 16 thought -- the way your question was phrased, it sounded 17 like it was assuming that P-13 had information about his 18 age, and I don't -- well --</p> <p>19 BY MR. GOLDBERG:</p> <p>20 Q. To be clear then, I'm going to talk to you for a 21 minute just about P-14. Okay, Ms. Van Holmes?</p> <p>22 A. Okay.</p> <p>23 Q. Let's focus on P-14. Without reference to any 24 other document or a parts of the conversation we've had 25 today during this deposition -- aside from the three pages</p>	<p style="text-align: right;">Page 148</p> <p>1 BY MR. GOLDBERG:</p> <p>2 Q. Do you have before you a 1-page document with 3 big stamp No. "D 01 02 06"?</p> <p>4 A. (Witness peruses document.)</p> <p>5 Yes.</p> <p>6 MR. GOLDBERG: Have you seen it, Dan?</p> <p>7 MR. GERHAN: Yep.</p> <p>8 BY MR. GOLDBERG:</p> <p>9 Q. What is this letter?</p> <p>10 A. (Witness peruses document.)</p> <p>11 This is a form letter we send out to 12 people after the first interview.</p> <p>13 Q. When you say it's a "form letter," can you point 14 out to me what is the form part of this letter?</p> <p>15 A. It would be "Dear" blank. The date would 16 change. Obviously, the address would change. "Dear" -- 17 "Dear" would always be there, but the person's name would 18 be changing.</p> <p>19 The whole -- every paragraph, one, two 20 and three and "Ciao!" would always be there. And then 21 depending on which person interviewed somebody, that would 22 be a different name at the bottom.</p> <p>23 And this -- Lucy would sign for me. I 24 didn't sign this letter.</p> <p>25 Q. Mm-hm. What is this form used for? Withdrawn.</p>

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<p style="text-align: right;">Page 149</p> <p>1 Is this the form that is used for 2 every Paisano Partner applicant? 3 A. It's for any applicant for AKM, KM, Assistant 4 General Manager or Paisano. 5 Q. So part of the form you use tells people that 6 Buca is "looking for someone with your kind of 7 enthusiasm"? 8 A. Right. Everybody -- we send this letter to 9 everybody. 10 Q. It doesn't matter whether the person actually 11 shows a particular type of enthusiasm? 12 A. Nope. 13 Q. Okay. I'm done with that document. 14 MR. GOLDBERG: I would like to ask 15 Ms. Reidt to please show you a document that's been marked 16 as "P-31." 17 (Whereupon, a 4-page letter from 18 Mr. Dilemani to Mr. Micatrotto was marked Exhibit-P-31 for 19 identification.) 20 THE REPORTER: Okay. 21 BY MR. GOLDBERG: 22 Q. Okay. Before you is a document that is a 4-page 23 document beginning with "D 01 02 21" and continuing 24 through "D 01 02 24"? 25 A. (Witness peruses document.)</p>	<p style="text-align: right;">Page 151</p> <p>1 A. Right. 2 Q. -- dated August 16th, 2000 on the last page? 3 A. (Witness peruses document.) 4 So -- yeah, I see that on there. I 5 don't know exactly when it came into my hands. 6 I don't know if you have the response 7 back to Bey. I would assume it was just a few days before 8 that or around that time. 9 Q. We'll get to it. 10 A. Okay. 11 Q. Do you see handwritten notes on the first two 12 pages of this document? 13 A. (Witness peruses document.) 14 Yes. 15 Q. Whose notes are those? 16 A. I think they're my notes. Well, they are my 17 notes. I'm basically making notes to write the reply 18 back. 19 Q. Mm-hm. Did you take those notes before speaking 20 with Joe Micatrotto? 21 A. I didn't speak with Joe Micatrotto. He left me 22 a voicemail, and I voicemail him back. 23 Q. Oh. What did you say in your voicemail? 24 A. I said I'd take a look at what he faxed over and 25 I'd do what he asked -- what Joe asked, which is come up</p>
<p style="text-align: right;">Page 150</p> <p>1 Yes. 2 Q. When did you first see this document? 3 A. I saw it after Joe Micatrotto received it, and 4 he -- I think he faxed it to me. I'm not sure. And he 5 called me about it. 6 Q. Prior to your conversation with Joe Micatrotto 7 regarding this letter, did you ever talk to Joe Micatrotto 8 about Bey? 9 A. No. 10 Q. After that conversation with Joe Micatrotto, 11 have you ever talked to him about Bey? 12 A. No. In fact, I don't even think Joe even talked 13 to me. He left a voice mail saying, you know, "What is 14 this? I want you to -- we need to get a response out." 15 Q. Tell me what you recall about the voicemail. 16 A. He said that he received a letter from a 17 candidate, and he wanted me to let him know what happened 18 and respond back. 19 Q. What was his tone on the voicemail? 20 A. His usual tone like if he's giving sales or just 21 making a request. 22 Q. Do you know when approximately he received this? 23 A. I don't know. 24 Q. Do you understand that this is a letter from Bey 25 to Joe Micatrotto --</p>	<p style="text-align: right;">Page 152</p> <p>1 with a reply. 2 Q. You drafted the reply for Joe Micatrotto? 3 A. Correct. 4 MR. GOLDBERG: I would like to ask 5 Ms. Reidt to please show you a document that has been 6 marked as "P-31." No, I just did that -- "P-32." 7 (Whereupon, a 1-page letter from 8 Ms. Van Holmes to Mr. Dilemani was marked Exhibit-P-32 for 9 identification.) 10 THE REPORTER: Okay. 11 BY MR. GOLDBERG: 12 Q. Do you have in front of you, Ms. Van Holmes, a 13 single-page document marked "P-32" that has a big stamp 14 No. "D 01 02 07"? 15 A. (Witness peruses document.) 16 Yes. 17 Q. Is this is letter that you drafted for Joe 18 Micatrotto's signature? 19 A. Yes. 20 Q. Is this a letter that Joe Micatrotto in fact 21 sent to Bey? 22 A. I don't know. 23 Q. Do you know whether Joe Micatrotto in fact ever 24 sent any letter to Bey? 25 A. I don't know.</p>

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